

98CV06515-DGT-jgm

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT ED. N.Y.

★ FEB 01 1999 ★

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**POINTERS, CLEANERS & CAULKERS WELFARE
FUND, PENSION FUND, ANNUITY FUND and
EDUCATION FUND,**

**CV-98-6515
TRAGER, J.**

Plaintiff,

**JUDGMENT
BY DEFAULT**

- against -

ARIAS CONSTRUCTION CORP.,

Defendant.
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THIS ACTION was commenced by plaintiff, **POINTERS, CLEANERS & CAULKERS WELFARE FUND, PENSION FUND, ANNUITY FUND and EDUCATION FUND** (hereinafter referred to as "**FUNDS**") by the filing of a Summons and Complaint on October 23, 1998. On October 30, 1998, James Reap, a licensed process server served a true copy of the Summons and Complaint upon defendant, **ARIAS CONSTRUCTION CORP.,** (hereinafter "**CORPORATION**"), by delivering to and leaving with "John Doe" an officer of defendant, **CORPORATION**, and said defendant having failed to answer, appear or otherwise defend in this action within the time permitted by law, there is no just reason to delay the entry of Judgment by Default against defendant, **CORPORATION**.

NOW, on motion of **WILLIAM ROTHBERG**, attorney for plaintiff, **FUNDS**, it is **ORDERED, ADJUDGED AND DECREED**, that plaintiff, **FUNDS** have Judgment against defendant, **CORPORATION** in the liquidated amount of Eight Thousand Three Hundred Ninety-Three and 40/100 (\$8,393.40) Dollars which amount includes costs and attorney's fees; and it is

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FURTHER ORDERED, ADJUDGED AND DECREED, that defendant, **CORPORATION** permit and cooperate in the conduct of an audit of defendant, **CORPORATION's** books and records, including, but not limited to, payrolls and payroll ledger including office payroll, yard payroll, payoff payroll, New York and New Jersey payroll, etc., computer payroll printout, W-2 forms, quarterly federal payroll tax returns (Form 941), quarterly state payroll tax returns (Forms WRS-2 and WRS-30), annual federal and state tax returns, cash disbursements journals, purchase journals, 1099 forms, New York and New Jersey employment records, insurance company reports, employer remittance reports, payroll and supporting checks, ledgers, vouchers and evidence of unemployment insurance contributions, payroll tax deductions, disability insurance premiums, certification of workers compensation coverage, contracts and subcontracts, invoices describing location and type of work performed, checks in support of any governmental filings of tax payments and any other items concerning payroll by representatives of plaintiff within thirty (30) days after service of a copy of this Judgment, for the purposes of ascertaining and verifying the amount of fringe benefit contributions due plaintiff, **FUNDS**, if any; and it is

FURTHER ORDERED, ADJUDGED AND DECREED, that plaintiff, **FUNDS** have Judgment against defendant, **CORPORATION** for all additional contributions due as determined by an audit of defendant, **CORPORATION's** books and records; and it is

FURTHER ORDERED, ADJUDGED AND DECREED, that defendant, **CORPORATION**, it's agents, representatives, directors, officers, stockholders, successors and assigns, employees, and all persons in active concert or participation with them who receive actual notice of the Order by personal service or otherwise, for so long as they remain obligated to

contribute to plaintiff, FUNDS, be permanently enjoined from failing, refusing or neglecting to pay and/or submit the required monetary contributions and/or reports, and that they permit and cooperate in the conduct of audits in accordance with the terms of this Order.

Dated: Brooklyn, NY

~~December~~, 1998
January 21 1999


HON., TRAGER, U. S. D. J.